

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division

IN RE:	*	
	*	Case No: 15-22734 TJC
Norwood Marshall	*	
	*	Chapter 13
Debtor	*	
	*	
Norwood Marshall	*	
	*	
Movant,	*	
	*	
v.	*	
	*	
Kettering Community Association, Inc.	*	
	*	
Respondent.	*	
	*	

MOTION TO AVOID JUDICIAL LIEN PURSUANT TO 11 U.S.C. § 522(f)

COMES NOW the Debtor, Norwood Marshall, by and through the undersigned counsel, and pursuant to 11 U.S.C. § 522(f), hereby request that this Honorable Court avoid and cancel the Judicial Lien held by Kettering Community Association, Inc. (“Kettering”), and as grounds in support thereof state as follows:

1. The Debtor filed the above captioned Chapter 13 Bankruptcy Case on September 14, 2015.
2. The Respondent is Maryland entity, doing business in Maryland and is otherwise *sui juris*.
3. On or about September 28, 2006 the Debtor borrowed \$285,000.00 from World Savings Bank, FSB. The loan is secured by a Deed of Trust on Debtors’ residence located at 2121 Princess Anne Court, Bowie, Maryland 20716 (the “Property”), which lien is recorded in

the Land Records of Prince George's County, Maryland in Book 26472, Page 278. The loan is currently owned or being serviced by Wells Fargo Home Mortgage ("Wells Fargo"). According to Debtor's most recent mortgage statement, the amount due to Wells Fargo is \$239,488.91. This figure does not include principal and interest payments for which the Debtor is in arrears. (See attached Exhibit "A").

4. The value of the Property, as determined by www.zillow.com, is \$196,457.00. (See Exhibit "B" attached hereto).

5. On or about March 5, 2014, Kettering obtained a judgment lien against the Debtor in the Circuit Court of Maryland for Prince George's County, Case No. NL1817-031, in the amount of \$494.59 (the "Judgment"). A copy of the docket sheet is attached hereto as Exhibit "C".

6. The existence of Kettering's Judgment Lien on and against the Property impairs exemptions to which the Debtor would be entitled under 11 U.S.C. § 522(b).

7. The amount of the exemptions the Debtor could claim in the Property if there were no liens is \$22,975.00.

8. Pursuant to 11 U.S.C. § 522(f)(2)(A), the Judgment Lien held by Kettering impairs the Debtor's exemption in the Property.

9. Therefore, pursuant to 11 U.S.C. § 522(f)(1), the Court may avoid and cancel the Judgment Lien held by Kettering.

WHEREFORE the Debtor, Norwood Marshall, respectfully requests that this Honorable Court enter an Order avoiding and cancelling the Judgment Lien held by Kettering pursuant to Circuit Court of Maryland for Prince George's County, Case No. NL1817-031, and for any further relief deemed just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of November, 2015, a true and accurate copy of the foregoing was served by first class mail or certified mail, postage pre-paid or by CM/ECF to the Chapter 7 Trustee and:

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/s/ Seth W. Diamond
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